

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAURICE EMILE,)	
)	Civil Action No. 04 - 974
Plaintiff,)	
)	Judge Gary L. Lancaster /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
S.C.I. PITTSBURGH, and PA DEPT OF)	
CORRECTIONS,)	
)	
Defendants.)	

ORDER

Plaintiff filed a Motion for Default on December 29, 2005. In the motion, Plaintiff indicates that no defendant has filed a responsive pleading. The docket reflects that the Defendants filed a Motion to Dismiss on December 23, 2005. Therefore,

IT IS HEREBY ORDERED this 30th day of December, 2005 that Plaintiff's Motion for Default is **DENIED**.

IT IS FURTHER ORDERED that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(A), and Local Rule 72.1.3, the parties are allowed ten (10) days from the date of service to file an appeal from this order to the District Court. Failure to timely file an appeal may constitute a waiver of any appellate rights.



LISA PUPO LENIHAN
U.S. Magistrate Judge

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